

This document contains the Connecticut regulations concerning recycling. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. These regulations became effective on February 28, 1989. This is not the official version of the regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version.

CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION

MANDATORY RECYCLING REGULATION

Section 1. The Regulations of Connecticut State Agencies are amended by addition of the new sections, 22a-241b-1 to 22a-241b-4, inclusive, as follows:

(NEW) SECTION 22a-241b-1 DEFINITIONS

"Cardboard" means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

"Glass Food Container" means a glass bottle or jar of any size or shape used to package food products suitable for human or animal consumption.

"Intermediate Processing Center" means a facility which can recycle an item or items and market or deliver for reuse the resulting material product or products. Such facilities may be owned by public or private entities or combinations thereof and may offer service on a state, regional, municipal, or submunicipal level.

"Leaves" means the foliage of trees.

"Local Processing System" means a facility or technique authorized by a municipality and acceptable to the Commissioner, which can recycle an item or items and market or deliver for reuse the resulting material product or products.

"Market" means to sell or deliver a recyclable item to a consumer who will reuse it or dispose of it for reuse in a material product

"Metal Food Container" means aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food products suitable for human or animal consumption.

"Newspaper" means used or discarded newsprint which has a minimum of contamination by food or other material.

"Office Paper" means used or discarded high-grade white paper and Manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photo-copying, which is suitable for recycling and which has a minimum of contamination. For the purposes of sections 22a-241b-1 to 22a-241b-4, office paper generated by households is excluded.

"Recycle" for the purposes of sections 22a-241b-1 to 22a-241b-4, means to separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil as fuel in an oil burner.

"Regional Processing Center" means an intermediate processing center which is authorized by a group of municipalities or designated by the Commissioner which can recycle an item or items and market the resulting material product or products.

"Scrap Metal" means used or discarded items which consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof, including, but not limited to, white goods and metal food containers.

"Storage Batteries" means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, tractors and like applications.

"Waste Oil" means crankcase oil that has been utilized in internal combustion engines.

(NEW) SECTION 22a-241b-2 ITEMS TO BE RECYCLED

- (1) The following items are required to be recycled by each municipality within three months of availability of service to the municipality by a regional processing center or local processing system: (A) cardboard, (B) glass food containers, (C) leaves, (D) metal food containers, (E) newspaper, (F) office paper, (G) scrap metal, (H) storage batteries, and (I) waste oil.
- (2) After January 1, 1991, no approval to landfill or incinerate the items specified in subdivision (a) (1) of this section may be granted by the Commissioner pursuant to subsection (b) of section 22a-241b-4.

(NEW) SECTION 22a-241b-3 MANAGEMENT AND ENFORCEMENT PLANS FOR SOLID WASTE FACILITIES

Within three months of the adoption of this regulation, the owner or operator of each solid waste facility shall submit for the Commissioner's approval, pursuant to section 22a-209-4(f) of the Regulations of Connecticut State Agencies, an amended operation and management plan for the solid waste facility. Such plan will make provision to ensure that items required to be recycled will not knowingly be accepted by the solid waste facility except as provided for in section 22a-241g of the Connecticut General Statutes and subsection (b) of section 22a-241b-4. Such plan shall reflect the relevant requirements of Chapter 446d of the Connecticut General Statutes and shall include, but not be limited to, systems to notify facility users concerning the requirements of the recycling program, penalties for noncompliance, and methods for handling recyclable items which are delivered to the solid waste facility. Plans shall be specific to the facility but shall not be coordinated with plans of other solid waste facilities and collection systems which may transfer waste to the facility.

(NEW) SECTION 22a-241b-4 MUNICIPAL REQUIREMENTS

(a) Planning Requirements.

- (1) Prior to January 1, 1991, a municipality shall be deemed to be in compliance with these regulations if it is participating in a regional planning process for recycling approved by the Commissioner or is implementing a recycling plan developed in accordance with the provisions of section 22a-241c of the Connecticut General Statutes, and approved by the Commissioner in accordance with subsection (c) of section 22a-227 of the Connecticut General Statutes. Such plan shall at a minimum include a program and schedule to ensure that service will be available by January 1, 1991, for the recycling of each item designated in section 22a-241b-2, or such other date as provided for by subsection (b) of this section. The plan shall also include interim target dates for recycling items specified in section 22a-241b-2, for which service is currently available or can be anticipated to become available prior to January 1, 1991. Such plans shall be coordinated with the plans prepared by solid waste facilities in accordance with section 22a-241b-3 and shall describe the methods

of public information and enforcement that will be utilized to ensure that the recycling program is implemented.

- (2) In reviewing a plan required by subdivision (a)(1) of this section or when issuing an order pursuant to sections 22a-241d through 22a-241e inclusive of the Connecticut General Statutes, the Commissioner shall determine when service is available to a municipality and shall deem such services acceptable after considering the status of facilities and systems designed to recycle items. In determining the availability and acceptability of service, facilities and systems, the Commissioner shall consider the following factors: both positive and negative impacts on public health and the environment; severe economic impacts on the municipality, if any; the economic stability of the service; the availability of markets or alternate disposal methods; the capacity to provide service to the municipalities; the date on which service will be available; and the technical viability of the system or facility.

(b) Exceptions

- (1) Except as provided in section 22a-241f of the Connecticut General Statutes and subdivision (a)(2) of section 22a-241b-2, any municipality or regional authority may apply to the Commissioner for approval to landfill or incinerate one or more of the items listed in section 22a-241b-2 for a period to be determined by the Commissioner. The Commissioner shall consider such applications based on, but not limited to, the following factors: the availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; any negative impacts on public health or the environment associated with recycling of the item or items; and severe economic impact.

After consideration of the application, the Commissioner shall issue a proposed decision in the matter. Such decision shall specify the approved items, if any, any conditions the Commissioner may require, the municipality or municipalities to which the exception applies, and the time period for which the approval is granted. The Commissioner shall publish in the Connecticut Law Journal a notice of the proposed decision on each such application.

- (2) Any municipality, regional authority, or group of twenty-five or more persons which is aggrieved by the Commissioner's proposed decision and which requests a hearing within 30 days of the date of publication of the proposed decision may be granted a hearing. Following such hearing the Commissioner shall issue a final decision in the matter. Such decision shall specify the approved items, if any, any conditions the Commissioner may require the municipality or municipalities to which the exception applies, and the time period for which the exception is granted. Any party to the hearing who is aggrieved by the final decision of the Commissioner may appeal the decision to the Superior Court as provided for in section 4-183 of the Connecticut General Statutes.
- (3) Except as provided in section 22a-241f of the Connecticut General Statutes and subdivision (a)(2) of section 22a-241b-2, the Commissioner may on his or her initiative determine that one or more of the items specified in the section 22a-241b-2 should be landfilled or incinerated for a period to be determined by the Commissioner in order to best serve the public interest. Such determination shall be based on but not limited to the following factors: the availability of markets; the availability of local processing systems; the availability of regional processing centers; the desirability of alternate utilization techniques; impacts on public health or the environment associated with recycling of the item or items; and severe

economic impact. The Commissioner shall publish in the Connecticut Law Journal a notice of the proposed exception. Such notice shall specify the proposed items, any conditions the Commissioner may require, the municipality or municipalities to which the exception applies, and the time period for which the exception is granted.

- (4) Any municipality, regional authority, or group of twenty five or more persons which is aggrieved by the Commissioner's proposed exception, and which requests a hearing within 30 days of the date of publication of the proposed decision, may be granted a hearing. Following such a hearing the Commissioner shall issue a final decision in the matter. Any party to the hearing who is aggrieved by the final decision of the Commissioner may appeal the decision to the Superior Court as provided for in section 4-183 of the Connecticut General Statutes.
- (c) Reporting Requirements. Each municipal authority, regional recycling authority, or intermediate processing center shall keep a record by recyclable item of the amount of solid waste recycled through municipally or regionally sponsored programs and shall submit this information to the Commissioner by the first day of July of each year. The quantity of solid waste recycled shall be reported on forms provided by the Commissioner. Such forms shall provide for the measurement of quantities of each item listed in section 22a-241b-2 by generating municipality or recycling region, in the appropriate volume or weight unit and to an accuracy that the Commissioner deems acceptable for compliance with the purposes of the solid waste management plan of the state.

STATEMENT OF PURPOSE: These regulations are required by section 22a-241b of the Connecticut General Statutes, and are intended to provide for the recycling of certain portions of the solid waste generated in the State.

EFFECTIVE DATE: This regulation became effective on February 28, 1989